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Human rights situations that require the Council's attention

Joint written statement* submitted by Association bharathi centre culturel franco-tamoul, ABC Tamil Oli, Alliance Creative Community Project, Association burkinabé pour la survie de l'enfance, Association culturelle des tamouls en France, Association des étudiants tamouls de France, Association Mauritanienne pour la promotion du droit, Association pour les victimes du monde, Association solidarité internationale pour l'Afrique, Association Thendral, Le Pont, Observatoire mauritanien des droits de l'homme et de la démocratie, the Society for Development and Community Empowerment, Tamil Uzhagam and Tourner la page, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

STOP DEPLOYMEMT OF UN PEACEKEEPER WITH FRONTLINE COMBAT EXPERIENCE IN SRI LANKA'S 2009 WAR

We the undersigned urge you to stop the planned deployment to Lebanon on Sunday 18 February 2018 of a Sri Lankan contingent commander with frontline combat command experience in the final phase of the civil war in 2008-9. We believe that under the UN's current vetting criteria, this commander should have been screened out of all UN peacekeeping duties. We note that the Human Rights Commission of Sri Lanka has been asked to vet UN peacekeepers from Sri Lanka but consider that ultimately the responsibility lies with your department, as according to the UN, it seeks to ensure that only "individuals with the highest standards of integrity, competence and efficiency" are hired.

The Sri Lankan Army says Lt. Col. Rathnappuli Wasantha Kumara Hewage is due to head the 12th Force Protection Company (FPC) for the United Nations Interim Force in Lebanon (UNIFIL)[1]. An online search of Lt. Col. Hewage reveals he was involved in the assault on Kilinochchi town in Northern Sri Lanka on 22 December 2008 and located in PTK in late February 2009 (see background section below). This should be apparent in the Personal History Profile (PHP) he submitted to the United Nations and according to the criteria used by OHCHR in Geneva in 2016 when screening Sri Lankan peacekeepers going to Mali, this information would have been enough to reject his application.

I don't need to tell you that the UN in several reports since 2011, documented and reported on the extensive violations of international humanitarian law and human rights law perpetrated by the Sri Lankan security forces during the final phase of the civil war in Sri Lanka2. These violations involved repeated targeted attacks on civilian objects, such as hospitals and food queues, denial of food and medicine to civilians, as well as extrajudicial executions and enforced disappearance by the military, which met the threshold for war crimes and crimes against humanity. Ironically Lt. Col. Hewage appears to have participated in a UN "Protection of Civilians" course in Seoul from 27 Nov – 1 Dec 2017 but five days of training will not address the systematic violations by frontline combat divisions of which he was a member.

Furthermore, Lt. Col. Hewage has on his Facebook page3 expressed support for the Sri Lankan defence attaché in London, Brigadier Priyanka Fernando, after he thrice made throat-slitting gestures at a crowd of peaceful Tamil protestors on 4 February 2018, causing a huge controversy. Tamil groups, UP parliamentarians and the main opposition party in Sri Lanka, the Tamil National Alliance, have all called for the attaché to be expelled for his offensive and intimidating behaviour unfitting for a diplomat.

If the UN is seriously committed to ensuring that peacekeeping forces are fit for purpose, then DPKO-DFS and the troop contributing country (Sri Lanka in this case) need to ensure that the troops and senior personnel are properly vetted so as to prevent human rights violators from going on peacekeeping operations.

We urge you to review the vetting procedure for Sri Lanka since the same issue comes up for the last four commanders sent to Lebanon:

11th Force Protection Company

The Sri Lankan Army says the 11th contingent was led by a Lieutenant Colonel C.A Rajapaksha4 of the 1st Gemunu Watch. The army itself says this unit was involved in the final phase of the war and Rajapakshe was made the commander of the battalion a few months after the war.

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1 http://www.army.lk/slsr/

2 UN Panel of Experts (2011), UN Internal Review (2012) and OISL (2015).

3 https://www.facebook.com/whewage.

4 http://www.army.lk/news/11th-un-contingent-lebanon-ready-departure

"During the final stages of the Wanni Humanitarian Operations 1GW was intimately involved in all major operations conducted that resulted in the capture of Nandikadal, Puththukudirippu and the A 35 MSR linking Paranthan to Mullaittivu. Which action ultimately brought success in defeating LTTE aims and objectives of creating a separate State of Tamil Eelam. After the Operations conducted in the Wanni 1 GW was engaged in the government's programme of Reconciliation, Re-settlement, Re-Construction and Rehabilitation in the Puththukudirippu region until 08 August 20105".

10th Force Protection Company

Lieutenant Colonel Dinesh Udugama led this unit6. He is also reported to have been involved in the final phase of the war in Sri Lanka:

"Maj. Dinesh Udugama led Third Gajaba Regiment and Lt. Col. Sisira Herath led Ninth Wijeyaba Regiment from the 57-2 Brigade successfully mounted the Tiger defence line at two points on the southern fringes of the Killinochchi Town7".

9th Force Protection Company

The army says the commanding officer was Lieutenant Colonel G.P Kodithuwakku8 who was also the commanding officer of 6 Vijayabahu regiment from 2008.07.03 to 2010.04.31 whose website says:

"What is most important is that the 6th Vijayabahu Infantry Regiment is the one and only regiment that continuously in the active from from Mavilaru to Wellamulliwaikkal out from all units that taken part in the war". 9

Furthermore a lawsuit filed by ITJP in August 2017 names this individual as being in charge of military intelligence in Joseph Camp10 in 200911.

All of this suggests inadequate screening by both the UN and Sri Lanka who also has a due diligence obligation and this is only the contingent commanders, not the men serving under them.

We request you please to take immediate action to suspend Lt. Col. Hewage's deployment pending a full vetting procedure.

Yours Sincerely,

BACKGROUND

12th Force Protection Company

This is led by Lt Col Hewage.

Kilinochchi Assault

5http://webcache.googleusercontent.com/search?q=cache:OiWXdgnzng8J:222.165.180.163/highlanders/1gw+&cd=1&hl=en&ct=clnk&gl=uk .He was commanding officer Oct 2009-Nov 2011.

6 http://www.army.lk/news/10th-contingent-bound-lebanon-serve-untfil-leaves.

7 http://www.nation.lk/2008/12/21/militarym.htm.

8 http://www.army.lk/news/9th-army-contingent-leaves-lebanon-un-peace-keeping-0.

9 http://222.165.180.163/vir/6vir_2.

10 http://www.itjpsl.com/reports/joseph-camp.

11http://www.conectas.org/arquivos/editor/files/20170828%20DENUNCIA%20BRASIL%20FINAL.pdf.

A media story in the state run paper12 on the assault on Kilinochchi and Paranthan Junction says Maj. Gen.Shavendra Silva (58 Division) and Maj. Gen. Jagath Dias (57 Division) have troops aiming for the town of Kilinochchi:

> *"It was at 5.30 a.m. in the morning on Monday that troops attached to 9 Gajaba Regiment under the Command of Lt. Colonel Chandana Somaweera,* **4 Sinha Regiment under the Acting Command of Major Wasantha Hewage** *and the 12 Sinha Regiment under the Command of Major Weerasinghe (the Second in Command of the Sinha Regiment) launched this massive assault on the Tiger earth bund with Air Force fighter jets and helicopter gunships giving close air support to the ground troops".*

UN 2015 OHCHR Investigation into Sri Lanka [OISL A/HRC.30.CRP.2]
This report is clear that the assault on Kilinochchi town involved attacks on civilian objects including United Nations personnel and sites.

> *"Between July and October 2008, as the 57th and 58th Divisions of the SLA advanced towards Kilinochchi, the area in and around the Box was subjected to aerial bombardment and shelling". (para 794)*

> *"Kilinochchi hospital, a long-standing, Government-run medical facility, also came under repeated shelling as the Sri Lankan Armed Forces advanced on Kilinochchi. The hospital came under shellfire on 25 October, 24 December and 30 December 2008, causing damage to buildings". (Para 796)*

Holding PTK:
According to the Sinha regiment's own website Hewage was the commanding officer of the 14th Battalion and present in PTK in the frontline of the war in February 2009:

> *"On 20th February 2009* ***Major RWK Hewage*** *took over duties the Commanding Officer. On 23rd February 2009, Pudukudirippu troops recovered an 81mm mortar and a large quantity of munitions. They also found and destroyed a land mine production facility of the LTTE"[13].*

> *"Task Force IV under Lt. Col. Randula Hatnagoda[14] of 64-2 Brigade, this week recovered a submarine and the largest ever cache of arms, in the history of the Eelam War, from Puthkudyiruppu jungles. The weapons, greased, oiled and hidden in a container, were recovered by 14 SR under* ***Maj. Wasantha Hewage[15].*** *.. 14 SR recovered the submarine, about 17 feet in length and 2 ½ feet in width, capable of carrying two persons, from a boat manufactory in Puthkudyiruppu, south on Thursday".*

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12 http://archives.dailynews.lk/2008/12/27/fea03.asp 27 Dec 2008, *Troops maintain momentum in all fronts.*
13 14th Battalion of the Sri Lanka Sinha Regiment, Civilians rescued from the control of the LTTE being offered food and water, http://222.165.180.163/slsr/14slsr_2.
14 Lt. Colonel Randula Hatnagoda presently the Commanding Officer of the 14 Sinha Regiment was appointed as the 642 Brigade Commander http://archives.dailynews.lk/2008/12/05/fea03.asp, 5 Dec 2008, Daily News. Also http://222.165.189.163/sfhqmlt/642_bde.
15 Fall of the last tiger bastion imminent, The Nation, http://www.nation.lk/2009/03/01/militarym.htm.